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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/723,804	11/28/2000	Muneer Zuhdi	560043-610170	6403

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EXAMINER

PATHAK, SUDHANSHU C

ART UNIT	PAPER NUMBER
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2634

DATE MAILED: 06/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/723,804

Applicant(s)

ZUHDI ET AL.

Examiner

Sudhanshu C. Pathak

Art Unit

2634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on November 11th, 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-9 and 14-17 is/are allowed.
- 6) ☒ Claim(s) 10-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on November 28th, 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-to-17 are pending in the application.

Double Patenting

2. Claims 10-13 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 7 of U.S. Patent No. 6,731,873. Although the conflicting claims are not identical, they are not patentably distinct from each other.

Regarding to Claims 10 & 11, the U.S. Patent mentioned above in claim 7 discloses an apparatus for transmitting bidirectional communication data between two locations over an optical fiber. Claim 7 also discloses the data to be transmitted having a selected frequency wherein the bits of the stream having one portion at one voltage level and another portion at a second voltage level as the Manchester coded data stream bits (Column 12, lines 27-30). Claim 7 also discloses generating a stream of clocking pulses at a second frequency, which is a multiple of the selected frequency (Column 12, lines 24-26). Claim 7 also discloses coding said stream of data bits by setting said one portion of each bit to a reference voltage level; continuously switching at said second frequency, said another portion of each bit between said reference voltage level and another voltage level than said reference voltage level (Column 12, lines 30-39). Even though Claim 7 does not disclose coding the data stream by switching between voltage levels, but this is functionally equivalent to ON-OFF keying (OOK) as is disclosed in the claim. Furthermore, a Manchester coded data stream does not require establishing timing or phase lock to

recover the data. Therefore, it is obvious to one of ordinary skill in the art at the time of the invention that Claim 7 of U.S. Patent No. 6,731,873 satisfies all the limitations as disclosed in Claims 10 & 11.

Regarding to Claims 12 & 13, the U.S. Patent mentioned above in claim 7 discloses an apparatus for transmitting bidirectional communication data between two locations over an optical fiber as described above. Claim 7 also discloses generating a stream of clocking pulses at a second frequency, which is a multiple of the selected frequency and specifically four times (4x) selected frequency (Column 12, lines 24-26). Claim 7 also discloses the data to be transmitted having a selected frequency as the Manchester coded data stream bits (Column 12, lines 27-30). Even though claim 7 does not specify the second frequency to be eight times (8x) the selected frequency and also does not disclose the selected frequency of the Manchester data stream, it is a matter of design choice to select the second frequency to be either (4x) or (8x) and further it is again a matter of design choice to select the frequency of the Manchester coded data to be 25.92 MHz; and there is no particular criticality in selecting these frequencies. Therefore, it is obvious to one of ordinary skill in the art at the time of the invention that Claim 7 of U.S. Patent No. 6,731,873 satisfies all the limitations as disclosed in Claims 12 & 13.

Allowable Subject Matter

3. Claims 1-9 & 14-17 are allowable over prior art of record because the cited references do not contain the specified limitation of a method and apparatus for transmitting and recovering a stream of coded data bits without establishing a timing or phase lock comprising receiving an OOK coded data and delaying a coded data stream for a period of time equal to one-half cycle of second clocking frequency and further combining the received coded data with the delayed coded data to recover the transmitted data stream data bits at the selected frequency.
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sudhanshu C. Pathak whose telephone number is (703) 305-0341. The examiner can normally be reached (Monday-Friday from 8:30 AM to 5:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin, can be reached at (703) 305-4714.

Any response to this action should be mailed to:

- Commissioner of Patents and Trademarks Washington, D.C. 20231

Or faxed to:

- (703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to:

- Crystal Part II, 2121 Crystal Drive, Arlington, VA, Sixth Floor
(Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to:

Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



STEPHEN CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600